



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

STUDIES IN GAONIC HISTORY AND LITERATURE

BY ALEXANDER MARX,

Jewish Theological Seminary of America.

THE last decades of the Gaonic age have hitherto been among the most obscure periods of Jewish history; and yet those years were of the highest importance, determining the subsequent development and marking a turning-point in the spiritual life of Jewry. For up to that time, Palestine and Babylonia had indisputably constituted the centers of Jewish culture. About the beginning of the eleventh century or the end of the tenth, there ensued a period of decentralization, and the influence of Babylonia waned more and more, although just then the administration of the academies and thus also the direction of the entire spiritual life were in the hands of particularly eminent persons. While the supremacy of the Babylonian schools was accepted without reserve by the new centers of culture just then arising in the Occident, nevertheless their rivalry was necessarily detrimental to the continued existence of the older seats of learning, whose very source of income was being diverted. Much light has been shed upon these circumstances by the finds of recent years. Our knowledge of the conditions prevailing in Babylonia and Palestine, in Italy and in the various parts of Northern Africa, has been materially increased through the publication of the *Chronicles of Ahimaaz* and of the numerous more or

less complete texts belonging to the Genizah. These discoveries, while extending our knowledge and rectifying erroneous and legendary conceptions, have also opened up new problems, and have naturally prompted a large number of scholars to occupy themselves with this period. Of no field of inquiry is the motto *Dies diem docet* truer, as new material from the inexhaustible hoard of the Genizah is constantly becoming accessible, serving, as the case may be, to confirm, to correct, or to overthrow earlier conjectures. In the following Studies, coming as they do in the wake of the meritorious efforts of Schechter, Harkavy, Epstein, Ginzberg, Poznański, Eppenstein and others, the writer purposes a re-examination of a number of historical and literary questions, in the course of which several new texts are to be published for the first time.

I. THE PALESTINIAN ACADEMIES

The unexpected discoveries of the Genizah have proved helpful to a greater extent than in any other field of investigation in lifting the veil from the spiritual activity of Palestinian Jewry during the second half of the first millennium, at any rate so far as the last century of that period is concerned. Here more than one chapter has been won back for Jewish history. Our conceptions of important points, as above all of the settlement of the calendar, have undergone a thorough revision. Passages with which we were long familiar are now assuming on the basis of our extended knowledge a totally different aspect, in their way enabling us to complete the newly-won picture. It is my aim to discuss a number of such passages which have hitherto been the subject of scant or inadequate attention.

It may be doubted whether the Palestinian academies at any time officially renounced the prerogative of fixing the calendar; it rather appears that there was a constant clash of opinions between Palestine and Babylonia. So long as no substantial difference in the calculation itself was manifested, the opposition expressed itself in fruitless protests on the part of the weaker side, but otherwise left no distinct traces.¹ Matters came to a head only when Ben Meir advanced such rules of forming the calendar as involved a practical difference in the fixing of the festivals. Then, of course, a decisive combat was inevitable, in which, however, Palestine was worsted. If the Babylonians maintained² that from immemorial times they had not been influenced in their calendar calculations by Palestine, it stands to reason that even in earlier times the other side was not minded to acquiesce in this state of affairs. We rather find distinct

¹ It sounds like a theoretical recognition of the supremacy of Palestine when in the prayer **יְקוֹם פָּרָן**, which is undoubtedly of Babylonian origin, the *scholars of Palestine* are named first. The reference, however, is wanting in the Turin *Siddur*, a transcript of which was made available to me through the kindness of Prof. Schechter (comp. my *Untersuchungen zum Siddur des Gaon R. Amram*, I, Berlin 1908, 23 f.). There we read: **לְכָל קְהִלָּיָא קְדִישִׁי דִּי בֵּארְעָא דִּישְׂרָאֵל** וְדִי בֵּארְעָא דְבָבֵל וְדִי בְּכָל אַרְעָא גְלוּוּתָּהוֹן לְרִישִׁי כָּלָה וּלְרַבְנֵי חֲבוּרָתָא וְלְרִישִׁי מַתִּיבְתָּא וְלְדִיּוּנֵי דְבָבֵל וְלָכֵל תַּלְמוּדֵיהוֹן. Equally noteworthy is the omission of all reference to the exilarchs, who in our Book of Prayer are peculiarly enough introduced amidst the officials of the Academy. Such reference is also wanting in the **מַחְזֹר וִיטְרו**, p. 172 f., and in a *Siddur* according to the ritual of Ancient France (previously cod. Halberstam 443: comp. *ZfHb.*, IX, 143) in the Library of the Jewish Theological Seminary of America, both agreeing substantially with regard to this case: **לְמַרְנֵן וּרְבָנֵן (לְכָל מְרַנָּא) חֲבוּרָתָא קְדִישָׁתָא (תְּדִין) דִּי בֵּארְעָא דִּישְׂרָאֵל וְדִי בְּבָבֶל רִישִׁי כָּלָה וְרִישִׁי מַתִּיבְתָּא דִּיּוּנֵי דְבָבֵל וְדִיּוּנֵי דְמַתָּא...** The latter are mentioned nowhere else.

² Schechter, *Saadyana*, Cambridge 1903, 17; Bornstein in ספר היוכל in honor of Sokolow, Warsaw 1904, 89.

traces of a polemical attitude to Babylonian emancipation from Palestinian dominion, not only in the *Megillat Ebiathar*³ of a later date, but also at an earlier period antecedent to Ben Meir. In the *Pirke derabbi Eliezer*, chapter viii, we read: "When no one was left in Palestine, the intercalation was ordained in Babylonia. Nevertheless, when Ezra and the entire congregation returned, Ezekiel set about ordaining an intercalation on Babylonian soil. But the Holy One, blessed be He, said to him: Ezekiel, thou hast no right to perform this act outside of Palestine; thy brethren are now in their own country; let them attend to that matter."⁴ This sounds like an emphatic protest against the Babylonian practice, especially when we remember that, according to an explicit statement in the Palestinian Talmud,⁵ Ezekiel ordained the intercalation on Babylonian soil. It is likely that the passage alluded to was quoted by Ben Meir in the portion of his letter now missing.⁶ The statements found

³ Schechter, *l. c.*, 86-104. I quote according to the pages and lines of the MS. as there indicated.

⁴ לא נשאר אחד בארץ היו מעבירין את השנה בבבל עלה עזרא וכל הקהל עמו ורצה יחזקאל לעבר את השנה בחוצה לארץ אמר לו הקב"ה יחזקאל אין לך רשות לעבר את השנה בחוצה לארץ חרי ישראל אחיכם בארצם והם יעברו. Prof. Schechter has been kind enough to call my attention to the present passage as well as to several others. He has also drawn my attention to the formula of the announcement of the new moon in the Italian ritual, which perhaps owes its origin to old disputes. It reads as follows: רבותינו המכובדים שנברין בפני הקהל הקדוש הזה שיהיו יודעים גדולים וקטנים שיש לנו ראש חדש... כחשבון רבותינו... verbatim, is found in the Avignon ritual (II סדר חמיר) (Avignon 1767, f. 46 a). In the Kaffa ritual the announcement reads: הקול כל עמא הבו דעתיכון למשמע קל קדושא דירחא הדין כמה דגזרו מרנן ורבנן חבורא... קדישא דהוו יתבין בארעא דישאל... (Siddur, ed. Mezyrow, 1793). In the Corfu ritual (MS.), the Passover is announced on a rather lengthy formula, which begins as follows: כך גזרו רבותינו סנהדרין גאוני עולם בבית מקדש שני...

⁵ יחזקאל עיבר בחוצה לארץ, p. Sanh. I, 2, f. 19 a, l. 6.

⁶ Epstein, *REJ.*, XLI, 182 below; Bornstein, *l. c.*, 64 f.

in the same chapter concerning the procedure at the announcement of the new moon⁷ under the presidency of the ראש ישיבה and especially the use of this title point clearly to the post-Talmudic academies of Palestine.⁸

The same is true of the Targum on Canticles⁹ (7, 3 and 5; cf. also 8, 13), where the importance of the head of the (Palestinian) Academy is painted in glowing colors. The text, as found in a Yemen MS. belonging to the Seminary Library,¹⁰ which I have collated with that of

⁷ Ebiathar, p. 7, l. 25 ff., quotes the passage as an old source.

⁸ Comp. also Tobiah b. Eliezer, לָקַח טוֹב on Exod. 12, 2.: שָׁלַח תְּהֵא שָׁנָה מִתְעַבְרַת אֵלֶּא עַפְ"י בֵּית דִּין כִּךְ עוֹשִׁין בְּאַרְץ יִשְׂרָאֵל לִפְנֵי רֹאשׁ הַיִּשִּׁיבָה. It is true that the conclusion is wanting in the Florentine MS. (comp. Buber *ad locum*), whereas a MS. belonging to the New York Seminary reads לִפְנֵי הַיִּשִּׁיבָה!

Zunz, *GV*?, 289 (comp. remark *a*) places the composition of the *Pirke derabbi Eliezer* about the year 700. His reasons find further support in the fact that our book is quoted in the middle of the ninth century in *Babylonia* as an authority in halakic matters; comp. the responsum of Natronai in the *Siddur R. Anram*, f. 32 *a*, and חֲמֵדָה גְּנוּזָה, No. 93; also my *Untersuchungen*, etc., 8 f., note 31, where it should be added that Weiss, *בית תלמוד*, I, 116, note, has called attention to this passage, which also escaped the memory of Bornstein, *l. c.*, 178. The Ben Meir quotation there mentioned is accordingly not the oldest. Schorr (החלוץ, V, 38) calls attention to the fact that the *Pirke derabbi Eliezer* are adduced in the version of the *Halakot gedolot* used by Zidkiah b. Abraham (שבלי הלקט השלם), ed. Buber, 376, § 6).

The attitude of the *Pirke derabbi Eliezer* to the question of the calendar is designated by Zunz as one of the reasons for placing its composition in Palestine. Comp. also Ginzberg, *Geonica*, I, 208, additions to p. 93, and in addition also *Kirkisani*, ed. Harkavy, 295.

⁹ As to the late date of this Targum, Landauer, *Orientalische Studien*, 505, convincingly points to its use of Arabic words.

¹⁰ 31, f. 8^o (one leaf in the middle and one at the end are missing). The MS., which dates from the sixteenth century, contains the Hebrew text together with the Targum in Babylonian punctuation, also a literal Arabic translation. An unpointed MS. of the year 1732 with an Arabic translation of the Targum and a MS. of Canticles, Ruth and Koheleth with commentaries and a Targum in the common punctuation (by the hand of a Yemenite) offer no essential variants. A fourth Yemenite MS. contains only the text and Targum of chap. 1-2, 1 and 7, 9-8, 7. An Italian MS. of the fifteenth

ואב בית דינא דדאין דינייך חסין על עמא (עלמא) לכפתא יתהון
ולמנגד מן דאתחייב בדינא לנגדא כשלמה מלכא דעבד מגדלא דשן
דפיל וכבש ית עמא בית ישראל ואהדר יתהון למרי עלמא ספריך מלן
חכמתא כפרקטנין וידעין (לממני) חושבני עבורי ומעברין שנין וקובעין
רישי (שנין ורישי) ירחין בתרע בית סנהדרין רבא ורב בית בא לבית
יהודה דמי לדוד מלכא דבנא מצרתא דציון דמתקרי מגדלא דלבנן
דכל מן דיקום עלוהי יכיל לממני כל מגדלין דבדמסק:

The Scriptural phrase **בַּחֲשׁוֹן עַל שַׁעַר בֵּת רַבִּים** (Cant. 7, 3) offers an occasion for bringing the fixing of the calendar in connection with the synedrion, by which name the academies were designated in post-Talmudic times as, for instance, Ben Meir repeatedly calls those in Palestine. Interesting are the statements concerning the judicial activity of the *Ab bet din*¹¹ who was known as the *Dayyana di-Baba*¹²

²¹ Comp. Tanhuma, *init.*: **קדושים יושב אלא שהוא יושב**; thus Moses Tachau, III, 71; this reading is to be preferred to that of the editions as well as to that of the Buber ed.

¹² Brüll, *Jahrbücher*, II, 35, n. 42. Comp. also Eppenstein, *MGWJ.*, LII (1908), 337 f. בית דין הגדול or בית דינא רבה in conjunction with שער הישיבה or כבאא רמתיבתא occurs in addition in Harkavy, p. 90.

in Babylonia. As to the sources of the revenue of the academies, nowhere else do we learn that they received tithes.

From other sources we learn that the cost of maintenance of the academies was derived principally from the freewill-offerings of the pilgrims to Jerusalem. The most ancient example is probably afforded by the reference in the Chronicle of Ahimaaz,¹³ thus carrying us back some seventy years before the time of Ben Meir. According to the Chronicle just mentioned, a certain Ahimaaz contributed, whenever he made the pilgrimage to Jerusalem, (three times in all), 100 זהובים to the maintenance of the academy of the holy city. The phrase לעוסקי בתורתו can have reference only to the academy, especially as Ahimaaz is afterwards entertained at table by the ראש ישיבה. We may conjecture that he took part in the procession about the Mount of Olives¹⁴ הושענא רבא. There is no reason whatsoever to doubt the historical character of the incident.

No. 200: p. 149, No. 315; p. 156, No. 329; in *JQR.*, VI, 223 (in the two latter places בית דין הגדול דכל ישראל); in the responsum mentioned below (note 25); and in still earlier times, Ginzberg, *Geonica*, I, 214.—Another reference bearing on the judicial function of the Academies is *Ittur*, I, 45 a below: וכל דייני דמתיבתא ואבות ב"ד הראשונים כך היו דנים. *Ib.*, 18d, mention is made of a case brought before the Academy: מלוני תבעיה: לשמעון [לדינא] לבבא דמתיבתא.

¹³ Neubauer, *Chronicles*, II, 113.—The gifts of Paltiel (*ib.*, 128) and his son Samuel (p. 130) have been pointed out by Poznański, *REJ.*, XLVIII, 146, n. 1. In the latter instance the ראש ישיבה is not mentioned; on the other hand the תנאים are referred to, who are thus proved to have existed also in the Palestinian academies of the gaonic period.

¹⁴ To the authorities adduced by Poznański, *REJ.*, XLVIII, 153, n. 2, add the Arab writer Albiruni (about the year 1000) who in his *Chronology of Ancient Nations* (translated by Sachau, London 1879, 270; comp. p. 431) makes mention of these processions.

In the second half of the ninth century, when the Sura Academy had been closed for some time, the Palestinian Academy is repeatedly¹⁵ mentioned instead of it side by side with that of Pumbeditha.

The passages just discussed are interesting for the reason that they relate to the period elapsing between the time of the heads of the academies mentioned at the conclusion of *Seder Olam Zuta* and the time of Ben Meir. They show that in all probability up to the time of the advent of the Crusaders in 1096 the Palestinian academies flourished uninterruptedly;¹⁶ further proof, it may be hoped, will be forthcoming, when more finds become available.

In connection with this, it may be proper to discuss several further points bearing on the Palestinian Academies. It is still a matter of doubt with me whether Mar Zutra, as is universally maintained, on his arrival in Palestine in 520¹⁷, really occupied the position of ראש ישיבה. Eppenstein¹⁸ has recently pointed out with justice that the phrase ונעשה ראש ועייליה בריש פרקיה is not the Hebrew equivalent of פנהדרין. The plural ἀρχιφραειται in the well-known decree of Justinian

¹⁵ Comp. the reply of the *King of the Khazars* to Hasdai ibn Shaprut, towards the end, Pardes, ed. Const., f. 41 d, ed. Warsaw, § 166, and Yefet ben Ali on Zech. 5, 9 in Poznański, *The Karaitic Literary Opponents of Saadiah Gaon*, London 1909, 38, n. 1; also Jacob ben Ruben in ספר העושר on the same passage (ed. Gozlov, f. 20 d) and Hadassi, הכופר, אשכול, f. 46 a, l. 1-4. The latter two references, which long ago were pointed out by Zunz, *Ritus*, 158, are to be added to those cited by Poznański.

¹⁶ From the book והזחיר (I, 101-2), which originated in Palestine, the impression is obtained that the author knew of no ראש ישיבה in Palestine; the whole passage, however, is far from being clear. A Palestinian exilarch (ראש גולה שבארץ ישראל) is mentioned there. Is that to be understood as a designation of the earlier Patriarchs?

¹⁷ The variant 522 in the chronicle incorporated by Jerahmeiel in his compilation (Neubauer, *l. c.*, I, 178) has no foundation whatsoever, the parallel text in cod. Epstein published by me in *ZfhB.*, V, 57 and Cod. De Rossi 1409 agreeing with the *Seder Olam Zuta*.

¹⁸ *MGWJ.*, LII (1908), 464, n. 1.

prohibiting the recitation of the *δευτέρωσις* (no matter what may be meant by the latter term¹⁹) proves that at one and the same time more than one man bore this title. Hence, Mar Zutra, at the time of his arrival in Palestine, became one of the archipherekites, while another may have been ראש ישיבה. Since, in later times, his descendants occupied this position, as we know beyond a doubt in the case of R. Phinehas, it is quite possible that a later glossator, perhaps the one who in 804 carried forward the *Seder Olam Zuta* for two generations, conjecturally reconstructing history, claimed the same dignity for Mar Zutra himself. He thus amplified the original Aramaic report by the Hebrew gloss: עלה לארץ ישראל ונעשה ראש סנהדרין. If this be the case, we must remain for the present in a state of ignorance as to when the Davidides of male descent assumed the headship of the Palestinian Academies and how long they maintained themselves in this position. It is a matter of certainty only in the case of R. Phinehas,²⁰ according to Brüll's²¹ conjecture, which has been universally accepted.²²

At the beginning of the tenth century, the head of the Palestinian School was Ben Meir, a descendant of the earlier Patriarchs, who traced their genealogy to

¹⁹ Eppenstein, *l. c.*, 465, n. 1, has collected the various opinions concerning this term; the opinion of Graetz, however, is reproduced inexacty, "haggadic exposition" being substituted in the place of "haggadic and halakic Midrash". Add also Vogelstein-Rieger, *Juden in Rom*, I, 173.

²⁰ One might conjecture that the title רבי in the case of Phinehas whose predecessors are designated as רב (comp. Zunz, *l. c.*, 144, n. a) has something to do with our question, but for the fact that his brothers are likewise called רבי.

²¹ *Jahrbücher*, V-VI, 96.

²² In subsequent times we find, according to the *Megillah* of Ebiathar, another Davidide of male descent, Daniel b. Azariah, temporarily at the head of the Academy. He may possibly have been a descendant of Mar Zutra and on that ground claimed the position at the time of his supplanting the incumbent.

David only along the line of female descent. Somewhat later we find descendants of Aaron in this leading position. Some light is shed on the century between Ben Meir and Solomon b. Judah, the oldest hitherto known **ראש ישיבה** of Aaronitic descent, by a genealogical list in Cod. Oxford 2443 to which Poznański has recently²³ drawn attention. That part of it, with which we are concerned, reads as follows: **צדוק אב בית דין ביר' יאשיה הרב** **ביר' אהרן ראש הישיבה ביר' יאשיהו אב בית דין ביר' אברהם ראש ישיבת גאון יעקב נכד הגאונים נין רבינו הקדוש**. Poznański regards it as possible that Abraham was the son of Ben Meir. That, however, is exceedingly improbable, since the time between Ben Meir (922) and Zadok (1084—*ca.* 1109) is somewhat too long for the four intervening generations, and it were strange if the genealogy ended just at the famous ancestor. Nevertheless, it is to be assumed that, at all events, Abraham was a descendant of Ben Meir. If, as it is probable, the title **ראש הישיבה** is identical with **ראש ישיבת גאון יעקב**, we are confronted with two new heads of the Palestinian Academy. Between the two, it is likely that a member of another family was in office. With all due reserve, I would advance the conjecture that a notice found by Harkavy at the end of an old Midrash MS. and published by him more than thirty years ago,²⁴ though naturally its explanation was impossible at that time, belongs in this connection: **כב' נד' קדש' מרינו ורבינו יוסף הכהן ראש ישיבת גאון יעקב המכובד ומרי' יאשיהו אב בית דין ומרי' יצחק אחיו השלישי ומרי' שמואל בן עזרון נ"נ**. The

²³ *REJ.*, LVII, 265-67.

²⁴ *המגיד*, XXI (1877), 134.

title **ראש ישיבת גאון יעקב**²⁵ speaks in favor of Palestine, and it is highly probable that **יאשיהו** is identical with one of the two mentioned in the genealogical list given above. The younger of the two, the one who is there named **הרב**, while in the *Megillat Ebiathar*²⁶ he is expressly designated as **אב** ["ב"ד"], probably was in office in the beginning of the career of Solomon b. Judah, whose son Joseph apparently became

²⁵ Babylonia is out of the question, since we know the names of the Geonim there. The title **ראש ישיבת גאון יעקב** is borne in the Orient at the time we are considering only by the heads of the Babylonian and Palestinian Academies.

Poznański (*REJ.*, LI, 55-58) remarks that the Geonim never designate themselves as **ראש ישיבה של גולה**, while they may have been so styled by others, and Ginzberg (*Geonica*, I, 148) conjectures that that was the original title of the Geonim of Pumbaditha (גולה = Pumbaditha), who only after the cessation of the Sura Academy called themselves after the fashion of the heads of the latter **ראש ישיבת גאון יעקב**. This would explain the interchange of superscriptions, as in the Responsa, ed. Harkavy, p. 88, No. 198 (cited by Poznański); *ib.*, p. 90, No. 200; or in an Arabic responsum, which Dr. I. Friedlaender contemplates editing shortly, where we read: שאלה מלפנינו משער הישיבה של גולה מבית דין הגדול של אדונינו שרירא ראש ישיבת גאון יעקב חמוד אדונינו חנניה ראש ישיבת גאון יעקב. The Academy naturally retained its ancient name, and people continued to speak of the שער הישיבה של גולה. Nevertheless, in Harkavy, p. 215, Hai, in the superscription to No. 419 ff., calls himself and his ancestors **ראש ישיבה של גולה**, which, to say the least, renders Poznański's thesis somewhat doubtful. The reading in Amram's Siddur, which Ginzberg contests, is supported by the evidence of the MSS. as well as such early quotations as Mahzor Vitry, § 46, **II תורתן של ראשונים**, and **ליקוטי פרדס**; I fail to see how the omission in a short summary of the responsum in **I אשכול** 33, to which Tur 132, and Manhig, 20 b, might be added, could prove anything against the authenticity of the words in question.

Zunz, *GV*², 178, remarks that the title **ראש ישיבת גאון יעקב** occurs in the **א"ב דר' עקיבא** and the **אותות המשיח**. The Karaites, likewise, have taken over this title (Zunz, *Ritus*, 158); similarly **ראש כלה** occurs with them. Poznański is mistaken in asserting (**אנשי קירואן**, 25, n. 1) on the basis of the *Chronicles of Ahimaaz* the prevalence of the title **ראש ישיבה** in Southern Italy. In the passage in question a Palestinian is referred to! **ראש ישיבה של גולה** occurs in *Sefer Hasidim*, ed. Berlin, p. 45.

²⁶ p. 2, l. 18.

his successor. His son Zadok became, in 1084, שלישי, having up to that time been רביעי. The dates show that he was the son of his old age. It was probably his father who occupied the position of ראש אנ"ר under Solomon b. Judah, whom we find as early as 1030, hence about fifty-five years before, at the head of the academy. On the other hand, it is extremely improbable that he was in office under Solomon's predecessor, since in Palestine the ראש אנ"ר, as a rule, appears to have become the successor of the Gaon. It therefore seems that the older Josiah must have been meant in the notice mentioned above. We should then obtain the following list of heads of the Palestinian Academies:

ראש ישיבה

אנ"ר ב"ד

Ben Meir

— — —
— — —

Abraham

*Joseph ha-Kohen I*²⁷

Aaron b. Josiah I

Solomon b. Judah (ca. 1030)

Joseph ha-Kohen III

b. Solomon (up to 1054)

Daniel b. Azariah²⁸ (1054-62)

Elijah b. Solomon (1062-84)

Ebiathar b. Elijah (1084-96)

Josiah I b. Abraham

Joseph ha-Kohen II²⁸

Josiah II b. Aaron

Elijah b. Solomon

Elijah b. Solomon

Ebiathar b. Elijah

Solomon b. Elijah, later

Zadok b. Josiah II²⁹.

²⁷ The one mentioned in the notice referred to above.—According to Epstein, *MGWJ.*, XLVII (1903), 343, the Ebiathar mentioned in the *Sefer Hasidim* should be inserted here.

²⁸ *Saadyana*, 81; *REJ.*, LI, 53; probably the grandfather of Solomon b. Judah, possibly a nephew of Joseph ha-Kohen I.

²⁹ Comp. above, note 22.

³⁰ Comp. *Megillat Ebiathar*, p. 2, l. 18 and *ZfHB.*, X, 145; *MGWJ.*, LII (1908), 110, as well as the genealogical list mentioned above.

The circumstance that Joseph (I.) is not mentioned in the list published by Poznański³¹ is easily explained, since he was not a direct ancestor of Mazliah b. Elijah, as all the heads of the academy enumerated in the lists were. For the same reason³² neither Elijah's predecessor, his brother Joseph (III.), nor his second son Solomon is mentioned.

To be sure, it is also possible that in the notice the Joseph (III.) mentioned in the *Megillat Ebiathar* is alluded to and that Josiah was Elijah's predecessor in his capacity of אב"ר. This supposition, however, it seems to me, is precluded by the fact that, judging from the analogy of the other cases, Josiah should have become the successor of Solomon if as the son of Solomon's predecessor he had held the office of אב"ר under him. If he had been dead by that time, the office should have reverted to his brother Isaac the שלישי in our note, of whom, it is true, we know nothing further. It may, therefore, be laid down as probable that reference is made to an entirely different Joseph (I.).

If this conjecture be true, we find that for several generations the families of Davidic and Aaronitic descent successively occupied the leading office; the pre-eminent rôle assigned to Zadok in the report of Ebiathar and the warmth with which he places himself on the side of the Aaronides preclude the supposition that the Davidides had been forcibly set aside. In that case the position of שלישי was not created by Solomon, but had been in existence long before.

Nor is the son of the repeatedly mentioned Zadok unknown to us. His name according to the genealogical

³¹ *REJ.*, LI, 53.

³² Not because he played no important role, as Poznański, p. 54, thinks.

list alluded to above was Hillel. In 1155-6 he appears in Alexandria (?) as signatory to two documents in a collection described by Harkavy³³; similarly in 1164 in Fostat to a כתובה דאירכסה published in facsimile by Merx.³⁴ We see now that D. Kaufmann³⁵ was wrong in declaring Merx's reading הלל בירבי צדוק אב"ד impossible, on the supposition that an אב"ד would not sign last. A son of this Hillel³⁶ was, as has been remarked by Poznański, the author of the *Megillah Zuta*; a פליחה by him is preserved in cod. Oxford 2852³⁷; he also appears as a witness in 1218 in cod. 2876¹.

I may be permitted to discuss at this juncture a date of the *Megillat Ebiathar*³⁷ which we are in a position to verify from another source. We read (p. 2, l. 27 of the text) that David ben Daniel emigrated from Babylonia three years before the death of the Gaon Elijah, which is placed (*ib.*, l. 23) in the year 1395 Sel.=1084, and that two years after his emigration (p. 3, l. 3), hence in 1394 = 1083, he came to Egypt. On the other hand, we gather from his כתובה³⁸ that he was in Egypt in 1393 Sel. = 1082, when he married a second time. I propose as the simplest solution of the difficulty thus presented that we read in Ebiathar's *Megillah*

³³ מאסף נדחים, No. 12, St. Petersburg 1879 181. 183. The names found there point rather to Fostat than to Alexandria.

³⁴ *Documents de Paléographie Hébraïque*, Leyden 1894, 41.—In the document cod. Oxford 2878³⁶, where we find him as a signatory, the date is wanting.

³⁵ *Gesammelte Schriften*, I, 28.

³⁶ Another son seems to have been ביר צדוק אב"ד זצ"ל, a signatory of cod. Oxford 2878³⁸ in 1161. A brother of Hillel, Moses, signed cod. Oxford 2878², in 1137. Josiah b. Moses, probably his son, occurs together with Abraham b. Hillel, as signatory in "Jews' College Jubilee Volume", p. 108.

³⁷ See above, note 3.

³⁸ Ed. Schechter, *JQR.*, XIII, 221 f. Poznański (*REJ.*, XLVIII, 164, n. 1) goes astray in saying that the *Ketubah* is dated 1084 (= 1395 Sel.).

שש in the place of שלש. Then David came to Palestine in 1389 = 1078 and to Egypt in 1391 = 1080, where after two years he married a Karaite lady. Thus disappears one of the difficulties which induced Bacher³⁹ to dispute Schechter's conjecture⁴⁰ that David was a son of Daniel b. Azariah. For, according to the correction proposed above, there intervene only about sixteen years between the death of the latter (Elul 1373 Sel. = 1062) and the emigration of his son David from Babylonia at the age of twenty years. Poznanski⁴¹ rejected Bacher's grounds as unsatisfactory, and subsequently⁴² adduced as a positive proof for Schechter's supposition the fact that Daniel, the father of David, is designated in the *Ketubah* as ראש ישיבה. It remains to be added that he is named elsewhere⁴³ נשיא גאון כל ישראל.

Lastly I may be permitted to give expression with all due reserve to a conjecture concerning the letter of the ריגום to the Palestinian Communities of the year 960⁴⁴. In this letter, the Jews of the Rhenish country among other things inquire concerning the advent of the Messiah and receive a sharp reply in the negative. Perhaps they had before them a text of the *Sefer Zerubbabel* such as is at present wedged in between chap. xxxii, § 4 and chap. xl., § 2 of the *Pirke Hekalot*, ed. Wertheimer.⁴⁵ There the advent

³⁹ *JQR.*, XV, 86, n. 6.

⁴⁰ *Saadyana*, 81.

⁴¹ *Schechter's Saadyana*, Frkf. a. M. 1904, 10, n. 3.

⁴² *REJ.*, I. c., 166, n. 1.

⁴³ *Saadyana*, 81, n. 2. According to Worman, *JQR.*, XVIII, 14, n. 10, he appears also in two other documents as head of the Academy. The name of David is found also in a document, cod. Or. 5545 of the British Museum, dated 1089, the beginning of which has been reproduced by Margoliouth, *JE.*, VIII, 309, as the 36th specimen of writing. We read there: מַצְרִיּוֹת דָּעַל נִילוֹס ... שְׁלִמְרָנוּ אֲדוֹנֵנוּ נִשְׁאָנוּ דָּוִיד

⁴⁴ Comp. on this matter the exhaustive paper by Büchler in *REJ.*, XLIV, 237 ff.

⁴⁵ Jerusalem 1890.

of the Messiah is announced for the year 890⁴⁶ after the destruction of the Temple (= 958), which is two years before the date of the letter just mentioned. It is true that in all other texts⁴⁷ we find 990; nevertheless, a subsequent alteration of a number of this character would be nothing extraordinary. Zunz⁴⁸ has even assumed in our case an older date than 990 as the original. The *Book of Zerubbel*, according to Graetz,⁴⁹ was composed in Italy and may therefore have been unknown in Jerusalem. On the other hand, we have, at least for later periods, unmistakable evidence that it was current in the Rhenish provinces. Eleazar of Worms⁵⁰ quotes our apocalypse as *Baraita di Zerubbabel*, and Jacob b. Shimshon⁵¹, who flourished in the first quarter of the twelfth century and resided for a time at Worms, as *Sefer Zerubbabel*⁵². In the first half of the fourteenth century, Asher b. Jacob ha-Levi incorporated this piece of literature in his collection ספר הזכרונות.⁵³ The compiler of codex 326 of the Paris Library⁵⁴, who lived in the Rhenish country between 1160 and 1180, incorporated in his compilation

⁴⁶ Judah ha-Levi predicts the fall of the Mohammedan empire for the same year (890) of the fifth millennium; comp. *Divan*, ed. Brody, II, 302.

⁴⁷ Jellinek, *בית המדרש* II, 55 and 56; Wertheimer, *לִקְטַת המדרשים*, Jerus. 1903, 11 b.

⁴⁸ *Literaturgeschichte*, 603.

⁴⁹ *Geschichte*, VI³, 53 f. Comp. Harkavy, *חדשים גם ישנים*, No. 7, p. 16.

⁵⁰ *יון הרקח* on Ruth 4, 11.

⁵¹ Concerning him see Epstein, *REJ.*, XXXV, 241-246.

⁵² Reprint from Mahzor Vitry, Frkftr. a. M. 1897, 3 below. The quotation is found only in one MS.

⁵³ Cod. Oxford 2797³.

⁵⁴ According to Neubauer, *MGWJ.*, XXXVI (1887), 502 f., Jacob b. Abraham; comp. on the other hand Chwolson in *קובץ על יד*, VII (1896-7), 3-4. In the appendix to the Catalogue of his Library (1903), p. 156, No. 8, Chwolson names Jacob b. Asher ha-Levi (ca. 1220) as the compiler. No doubt, however, exists as to the home of the compiler!

(fol. 109 a) the following passage which I copied several years ago: ולקץ הימים תבא הפצי בה אם מנחם בן עמיאל אשת נתן הנביא ותביא עמו נפשות רבות מישראל והוא עושה מלחמה עם גוף מלך תימן ואסרט מלך אנטוכיא וניצחתן . ואחר כך יבא נחמיה בן חושיאל הוא משיח בן אפרים ומלכי האומות מתאספין ונלחמו עמם וניצחתן אותו ונהרג הוא ונפשות רבות מישראל והנשארים בורחים להם ועומדים בצרה גדולה מהן בורחין בין האומות ומהן בורחין דרך (ה) מדבר העמים שבאו דרך שם מתחילה והם אוכלים שרשים מלוחים מ"ה ימים . ויתר הפליטה הנשארת לישראל מתוך צרה גדולה שהם עומדים בה הם עושים תשובה שלימה לפני הקב"ה ממרת נפשם וחמת רוחם ומגלה להם את משיח בן דוד . עד יעיר הקב"ה ברוחו את מנחם בן עמיאל הוא משיח בן דוד ומחיי' להם מתים והם חוזרים להם לישראל ונגו שומע שחזרו ישראל למקומם ועולה עליהם . והקב"ה יורד על הר הזיתים ונלחם בהם ומקנא בצרתן של ישראל ועל ידי תפילתו של משיח ונלחם עם ארמילוס ומת בידו והוא שנ' ברוח שפתיו ימית רשע הוא נגו והמון כל הגוים הצובאים על ירושלים . וארמילוס זה שאמרנו בנו של שטן הוא שיש אבן בנגווה דמות אשה יפה שאין כתארה בעולם . היא ננווה היא רומי הגדולה ובא עליה השטן וילד ממנו ארמילוס . ואותה מלחמה לקץ מ"ה שנה לבריאתה של הפצי בה שבאתה לקץ אלף מאתים וע' על אותה שעה הוא או' אשרי המחכה לימים אלף . מעשה האותות שיהיו באחרית הימים והמלחמות של ארמילוס וחיל נגו ומלכי האומות שאין להם מספר עמהם והן באין ועושין מלחמה עם ישראל ומכין בהם מכה גדולה הכל מפורשים לסירוגין:

A cursory comparison with the different texts of the *Sefer Zerubbabel*⁵⁵ proves that we are dealing here with a version

⁵⁵ Wertheimer, in לקט מדרשים, 9 b-13 a, presents a reprint of the Wilna edition, which is based on the *editio princeps*; there follow on f. 13 two fragments from the Genizah; another fragment, according to cod. Oxford 2642⁹ (Cat. II, 37, where it is rightly contended that the second piece, *ib.*, 30, is derived from the "נסתרות דרשב"י), was published by him previously in בית המדרש, II, Jerus. 1894. Jellinek's text (בית המדרש,

of it. The most convincing proof is afforded by the name **הַפְּצִי בָּה** which occurs only in the present apocalypse,⁵⁶ whereas Menahem ben Amiel and Nehemiah ben Hushiel⁵⁷ as names of the Messiah are met with elsewhere. It is true that the version made use of by the compiler differs in many respects from all other known texts; it is for this reason that I thought it desirable to present it in full. It is impossible on this occasion to go into further details. If, then, this apocalypse, along with other mystic writings, had found its way from Italy to Germany and the Rhenish Jews were acquainted with the prediction concerning the advent of the Messiah in the year 958, we can easily understand how they came to address an inquiry to Palestine and how they met with a rebuff, the text occasioning the inquiry being unknown there, or perhaps being regarded of no value.⁵⁸

II. PALTIEL-JAUHAR

One of the most interesting episodes in the history of the family of Ahimaaz of Oria as told in his Chronicle is that of Paltiel, who became vizir of Al-Muizz, the ruler of North Africa, and as such attained great power, at the same time retaining his influence on his coreligionists. As Arabic historians do not speak of any Jewish vizir of Al-

II, 54-57) is based on two Leipsic MSS. Still another text is found, as indicated above, in the *Pirke Hekalot*, ed. Wertheimer. Horowitz, **הַסִּפְתָּא עֲתִיקָתָא**, I, Frkft. a. M. 1889, p. 24. § 11, No. 16, when speaking of a third version of our book, is perhaps thinking of cod. Oxford 160^o, or codex Casanata 174².

⁵⁶ Thence in Zohar, III, 173 b; cf. Wünsche, *Leiden des Messias*, Leipsic 1870, p. 112.

⁵⁷ Dalman, *Der leidende und der sterbende Messias*, 13; n. * * and 20, n. * *; Porges, *MGWJ.*, XXXIV (1885), 73; also the *Chronicles of Ahimaaz*, 132.

⁵⁸ The Ebiathar *Megillah*, p. 10, l. 1-4, proves that the attitude toward mystic literature was not hostile in the Academy at Jerusalem.

Muizz, Paltiel has been a puzzle to Jewish historians. Kaufmann has treated of him repeatedly.¹ He takes him to be a Nagid of the Egyptian Jews. De Goeje² has identified him with the vizir Jauhar, although a number of traits in the reports concerning the two men appear to militate against such identification. Gottheil,³ accordingly, asserts that this identification is extremely doubtful and with some hesitation makes use of the account concerning Paltiel in constructing a history of the office of the *Nagid*.⁴ Poznański⁵, without further ado, claims Paltiel as the first *Nagid*, thus apparently wholly rejecting the conjecture of De Goeje. By adducing an account which has hitherto been left unnoticed and which is entirely independent of Ahimaaz, I deem it possible to prove the identification of Paltiel and Jauhar as probable in the highest degree. This account, it is true, is partially obscure; it agrees, however, in details much more exactly with the Arabic accounts concerning Jauhar and is, moreover, free from the gross historical errors perpetrated by Ahimaaz. We find it in the Parma MS. of the *Sefer Hasidim*, § 545, in connection with an extract from Donnolo's introduction to the חכמוני wherein is narrated the conquest of Oria by the Saracens (925), the slaying of ten scholars of repute and the enslavement of the remaining ones, of whom Paltiel was one.

The text reads as follows: פלטאל נשבה מעיר אויירם ממדינת
לונברדיאה עם אותם חסידים שנשבו בים בספינות והיה בספינה
זקן אחר ואמר לו לפלטאל הנער אוי לך כי כריי שתתגדל אתה

¹ *Die Chronik des Achimaaz von Oria*, 1896, 26 ff., and *ZDMG.*, LI, 436 ff.

² *ZDMG.*, LII, 75-80.

³ *JE.*, V, 61.

⁴ *Ib.*, 68.

⁵ *REJ.*, XLVIII, 145.

⁶ Ed. Wistinetzki, Berlin 1891, 152.

גלינו כי חלמתי והנה אילן גדול מן הארץ ועד לשמים ואתה עולה על ראשו וכשבאו הספינות לנמל נכנס פלטיאל לבית חכם אחד רופא מומחה ויעקב שמו והיה רופא של מלך וזה פלטיאל חריף והיה מפטם בשמים ולמד כל הרפואות לימים מה יעקב החכם והמלך חלה וחש בראשו שלח אחר יעקב ואמרו לו מת ושאל אם הניח בן או תלמיד בא פלטיאל לפניו אמר לו המלך לא אשתה סממניך כי נער אתה אמר לו פלטיאל אמשה רגליך ותזעג ואמרו לו אל המלך זה כזבן • ושחק פלטיאל שאל לו המלך למה תלעג עלי הלא אין לשחוק לפני אמר לו הסרים הזה תמיה על משיחת הרגל והיאר נסתרם זה למטה בביציו ונפל לו זקנו מלמעלה: ונתרפא המלך וגידלו למאד לאחר ימים מת המלך והיו לו שנים בנים הבכור שונאו של פלטיאל אמר לו פלטיאל תתנבר ותמלוך כי כל השרים אוהבים אותך חוץ מכושי פלוני אוהב אחיך נשלח אחריו ונייעצו להרוג אחיך ובוזה תתרצה לו וכן עשה לימים עסק פלטיאל ונהרג הכושי ונתגדל פלטיאל וביקש מן המלך לבנות בית המקדש והיה מלא אשפה מימות טיטוס הרשע ולא נתן לו המלך רשות לפנותו כי אם עד הצהרים והלך פלטיאל וקיבץ בחורי ישראל והוא בעצמו פינהו עמהם ובנאוהו והיו מתפללים בו ימים רבים ופלטיאל המליך בנו באלכסנדריא ברשות המלך ושם בנו יעקב לימים חוציאו מת והספידו לפני המפקידא⁷ וכשהרגישו הישמעאלים שמלכו יהודי רצו להרוג את יעקב ובא המלך הגדול ורצה לחורשא כולה: ולאחר כמה שנים רצו שני פרנסי ישראל להשתורר זה על זה וליל כפורים היה והכו זה את זה אמר מלך ישמעאלים אמת אין מול לישראל להתפלל כאן וצוה להחריבה עד יערה רוח ממרום לבנותה בכבודו.

“Now, Paltiel was taken from Oria in Lombardy, together with these pious ones who had been captured at sea. And on the ship there was an old man who said unto young Paltiel, “Woe be unto thee, for it is in order that thou mayest become great, that we are sent into exile. For I

⁷ Read מסגידא mosque?

dreamt a dream that a great tree was growing from earth to heaven, and behold thou wert climbing to the top."

And when the ship reached the harbor, Paltiel went to the house of a certain wise man that was a skilled physician, and Jacob was his name. And he was the King's physician. Now this Paltiel was shrewd and mixed the drugs and learned the uses of all medicines. After many days, Jacob the wise one died, and the King fell ill, and his head troubled him. And he said unto his men to send unto Jacob, but they said unto him that he was dead. And he asked whether he had left a son or a disciple. Then Paltiel came unto him, and he said, "I will not take thy medicines, for thou art but a lad." Then Paltiel said unto him, "I will but anoint thy feet and thou shalt perspire." And they said unto the king, "This man lieth." Then Paltiel laughed aloud, and the King asked him, "Wherefore laughest thou at me? Is it not forbidden to laugh before me?" Then he said unto him, "This eunuch here wondereth at the anointing of feet. Was he not cut below and his beard fell out above?" And the King was cured, and he exalted him greatly.

And after many days, the King died, and he had two sons, and the eldest was an enemy of Paltiel. Then Paltiel said unto him, "Thou wilt obtain the mastery and become king, for all the princes love thee, except a certain Ethiopian, who is a friend of thy brother. Let us send after him and take counsel to kill thy brother. By this you will gain his favor." And he did so. And after many days, Paltiel arranged that the Ethiopian was killed, and Paltiel became exalted.

Thereupon he asked from the King to build the Holy Temple, since this was covered with ashes from the days

of Titus the wicked. But the King would permit it only if he could clear them all away by the middle of the next day. And Paltiel went and gathered all the young men of Israel and he himself worked with them. And thereafter they built it up and prayed there many days. And Paltiel made his son ruler over Alexandria, with the permission of the King. And the name of his son was Jacob. Now, it happened that they were burying a dead man, and they were speaking his praises before the Mosque, and when the Ishmaelites took note that they had made a Jew ruler over them, they wished to kill this Jacob, and the great King came and wished to pass the plough over it. Many years later, two great men of Israel were disputing one with another on the eve of Atonement, and one hit the other, and the King of the Ishmaelites said, "Truly it is no good fortune for the Israelites to pray in this place", and he ordered its destruction, until the Spirit from on High shall arise and rebuild it in all its glory."

In the first place, according to the above account, Paltiel is brought as a slave from Southern Italy to Kairwan where he enters into relations with the Sultan of Kairwan, who must have been Al-Mansur, the father of Al-Muizz. Not a word is said here of the latter's expedition to Italy, of which Ahimaaz reports and which is an impossibility, considering that the expedition took place in 925, whereas Al-Muizz was born only in 929. When Paltiel first meets Al-Mansur, a eunuch takes part in the conversation. All this reminds us of Jauhar who, taken captive in war, was carried away from Southern Italy or Sicily and acquired as a slave by a eunuch who then transferred him to Al-Mansur.

I believe that we have a right to conjecture that the physician Jacob mentioned in the *Sefer Hasidim* and Al-

Mansur's body-physician Isaac Israeli are one and the same person, the Arabic cognomen (*kunya*) of the latter, Abu Ya'kūb, having led to the error. It is true that the supposition is rendered difficult by the statement that the physician Jacob died in advance of the king, whereas Israeli, as is well known, survived Al-Mansur. Too much weight need not, however, be attached to such details, considering the legendary character of the account. By this means a better motive than actually existed was sought to account for the absence of the body-physician and the presence of the stranger.

A very interesting parallel to the episode concerning the medical activity of Paltiel is found in Arabic sources. Wüstenfeld⁸ reports that Al-Mansur, before his death, a sleeping-potion having been refused him by Isaac Israeli, inquired whether there was no other physician in Kairwan. Upon learning that a young man by the name of Ibrahim had just arrived in the city, he ordered him to be summoned; and the young physician prepared a medicine which the caliph was only required to smell. The desired effect immediately ensued, but it led later to the death of the patient. Israeli then defended the conduct of the stranger, who was about to be attacked, on the ground that he was in no position to know the condition of the patient as well as himself. With the exception of the result of the cure, the parallels between the two accounts are striking. In both a young physician, a stranger, is summoned in obedience to the express desire of the caliph. In both, he prepares a medicine to be used only externally. In the one account, the stranger is regarded as a disciple of Israeli, in the other

⁸ *Geschichte der Fatimiden-Chalifen*, Göttingen 1881, 96.

his conduct is defended by the latter, though, it is true, it remains unclear whether the body-physician was previously acquainted with him or whether he protected him simply on the ground of justice. It may be conjectured that a legendary account concerning Ibrahim has been made to apply to the person of Paltiel.

I find no support for the story concerning the feuds about the throne and the assassination of a brother of Al-Muizz by his chief supporter, an Ethiopian. The data concerning the rebuilding of the Temple may have reference to an old synagogue, presumably at Alexandria⁹.

Paltiel's interest in the rebuilding of the Temple appears to show that, in agreement with the report of Ahimaaz, he openly avowed himself a Jew. On the other hand, we read further on that the Mohammedans became aware only casually of the fact that the government had been placed in the hands of a Jew in the person of Jacob, the son of Paltiel. This would show that both Paltiel and his reputed son Jacob publicly professed themselves Mohammedans! Thus is removed the greatest difficulty which stands in the way of identifying Paltiel with Jauhar; the supposition that Paltiel held the position of *Nagid* also falls to the ground. *Nagid* undoubtedly signifies in this place nothing short of vizir¹⁰.

I identify without hesitation Jacob, the "son" of Paltiel, with the vizir Jacob Ibn Killis to whom, according to Noveiri¹¹, the administration of the country was ceded by

⁹ The additional data concerning this synagogue are obscure. Who is the great king?

¹⁰ Concerning the meaning of the same title borne by Samuel comp. Harkavy's valuable treatise *המאמץ לתולדות ר' שמואל הנגיד*, St. Petersburg 1902, 50; it is to be regretted that it has remained a torso.

¹¹ De Goeje, *l. c.*, 77.

Jauhar after the conquest of Egypt. The fact that the relations of the two vizirs to one another were by no means friendly does not militate against this supposition. The assertion of Ahimaaz that the real son of Paltiel was named Samuel, no less than his remaining genealogical data, deserve absolute credence.

The origin of the account points to Italy. This is above all favored by the connection with the excerpt from Donnolo. The family-tree of R. Judah he-Hasid, the compiler of the *Sefer Hasidim*, equally points to Italy; hence it is probable that his ancestors brought this legend as well as other reminiscences with them from Italy. Presumably a German hand is responsible for placing Oria in Lombardy. Just as our knowledge concerning the personality of the Kabbalist Abu Aaron is derived from the Chronicles of Ahimaaz and from the writings of Eleazar of Worms, the disciple of R. Judah Hasid, our information concerning Paltiel goes back to the same two sources. The memory of their former co-religionist, who was the recipient of high honors, apparently was kept fresh among the Italian Jews for a long time, whereas in Africa he was regarded from the first as a Mohammedan; accordingly the Jewish authors there had no further interest in him.

When the points derived from the accounts mentioned above are put together with the parallels which De Goeje has found between the data of Ahimaaz concerning Paltiel and the Arabic sources concerning Jauhar, the identity of the two may be pronounced as probable in the highest degree.

III. THE *Sefer Metibot*

Among the lost works of the gaonic period, concerning which the most diverse theories have been advanced, is to be reckoned the *Book of the Academies*, which is cited as ספר מתיבות and ספר מתיבתא or more frequently 'בעל מ' and simply מ'. Azulai records the book in his שם הגדולים II, s. v.; Rapoport², somewhat doubtfully, would ascribe it to R. Hai; Perles³ to R. Samuel b. Hofni. Meklenburg⁴ regards it as a compilation of responsa and decisions by several older Geonim. Harkavy⁵ who has treated of the book in a most thorough manner arrived at similar conclusions; he thinks that notes of a methodological, halakic and exegetical character⁶ made by the heads of the Academies are gathered together in this work. Ginzberg⁷ considers the *Sefer Metibot* as a compilation of gaonic responsa originating in Kairwan. An examination of the numerous quotations from this book in the *Ittur*⁸ (about 55, of which only eight or nine had previously been identified) leads to results at variance with all the opinions mentioned above. The *Sefer Metibot* was a code consisting, like the *Halakot gedolot*, of excerpts from the Talmud and adducing occasionally the opinions of single Geonim; in con-

¹ Abbreviated throughout in this paper to ב"מ and ס"מ.

² Additamenta to the biography of R. Hai in בכורי העתים, 1831, 92; comp. Steinschneider, *Arabische Literatur der Juden*, p. 100, No. 6.

³ *MGWJ.*, IX, 181.

⁴ *Literaturblatt des Orients*, I, col. 357-58. He is followed by Benjacob, אוצר הספרים, p. 389, No. 2616.

⁵ זכרון לראשונים וגם לאחרונים, III, St. Petersburg 1886, 28, n. 73; comp. also p. 16, n. 22, and p. 27, n. 71.

⁶ He combines the *Sefer Metibot* with the ספר הישיבה mentioned in the Commentary on Chronicles, ed. Kirchheim, p. 36; there is, however, nothing in common between them. Comp. Ginzberg, *l. c.*, 178, n. 1.

⁷ *Geonica*, I, New York, 1909, 180-81.

⁸ Ed. Schoenblum, Lemberg 1860. In this paper *It.* with accompanying page-number stands for the first part of this edition.

trast to the code just mentioned⁹, it makes ample use of the Palestinian Talmud. All the quotations of which we know at present deal with civil and marriage laws to which the author apparently confined himself.

The large majority of these quotations consists of simple extracts from the Babylonian Talmud, which, as is the case in the *Hal. ged.*, were selected with reference to halakic practice and accordingly are frequently introduced by the formula *ובעל מ' פסק* ; comp. *It.*, 7 c, 33 c, 42 b, 43 b, 44 b (*איפסיקא במתיבתא*) and elsewhere. Occasionally the author expressly adds his own decision, as *It.*, 63 c... *וב"מ כתב הלכתא כרב*. Whenever he does not incorporate a Talmudic passage, we may accordingly infer that his decision runs counter thereto; comp. *It.*, 8 a *וב"מ אמר ולא אייתי דרב יהודה... דמשמע דלית הלכתא כותיה*; so also 37 c *וב"מ לא אייתי הא... ומשמע דסבירא ליה כר' יוסי*. More interest attaches to a third passage, *It.*, 13 d, where we read: *ובעל מתיבתא דלא אייתי [פלונתא]* ¹⁰ *דרבה ור' זירא סמך על הירושלמי דאייתי בפ' השוכר דכתב' לעיל בדרך התנאי כל המתקיים בפה מתקיים בכתב*. The passage from the Palestinian Talmud,

⁹ The *Halakot gedolot* quote the Palestinian Talmud expressly only once, and in proportion to the bulk of the book the number of acknowledged reminiscences is minimal; comp. the examples in full in Poznański, *Studien zur gaonäischen Epoche*, I, Warsaw 1909, 19-25, and my *Additamenta*, *ZfHb.*, XIII, 70.

¹⁰ Inserted on the basis of the MS. on parchment from the 14th century in the Sulzberger Collection of the Seminary, which contains fol. 3 b-42 b of the edition and is probably identical with Cat. Rabinowiz, IX, 66. The manuscript is not always correct; thus frequent errors occur through homoioteleuton. In many passages, it has undergone collation and correction. It could be used to great advantage for the purposes of emending the printed text. As a specimen, the following variants and corrections noted by me casually on the margin of my copy of the printed text may be mentioned here:

It., 13 *a*, is introduced by the formula **ירושלמי לבעל מתיבתא**, which formula meets us also *It.*, 14 *c*, 21 *a* and 45 *d*. From the present passage we learn that the *Sefer Metibot* was arranged according to the order of the Talmudic pericopes. The Palestinian Talmud is quoted by the author also *It.*, 2 *d*, 42 *b* and in Nahmani on Kid. 59 *a*, B. batra 11 *a*.

	MS.	Edition
5 <i>a</i>	רבינו אבן מוגאש ^a	ר' יוסף אבן מ'
5 <i>b</i>	ר' משה בר חנוך ^b	ר' ששה בר מנות
8 <i>d</i>	רבינו שמואל	ר' בן חפני
9 <i>d</i>	במתיבתא נהיגין כר' יהודה	נהיגין במתיבתא דר' יהודה
11 <i>b</i>	מר רב שלום ^c ... ושדרו... ודיוני	מר רב נחשון... ושדא... ודיוני
14 <i>b</i>	דבבא ורישי כלה נהיגי למגבי	דבכל וריש גלותא דלא למגבי
	ובתשובות דאיתשול קמי רבנן שדרו	בתשובת שאילה דאיתשול מקמי רבינו שרירא
16 <i>c</i>	ואיתשיל קמי רישי כלה	קמי ריש גלותא
17 <i>a</i>	בהלכות ^d	בהלכות גדולות
21 <i>a</i>	לר' אלפס	לר' האיו
34 <i>b</i>	בהגהה בספר	בהגהה בספרד
34 <i>d</i>	כר' שמואל בן חפני	כר' שמעון ב"ח
38 <i>a</i>	דאבא מרי ז"ל	דה"ר משה דאבא מיון ז"ל
38 <i>c</i>	ולאפסקי הלכתא	ולא פסקינן הילכתא
39 <i>d</i>	ר"ש	ר"ח

^a So he is called throughout the entire book.

^b Müller, *Responsen der span. Lehrer*, 29, n. 15, has conjecturally emended the text in this manner; in *Litbl. des Orients*, X, 198, on the basis of **קורא הדורות**, the scholar is accordingly proclaimed to have been a brother of R. Moses b. Hanok!

^c Comp. the parallel passages *fol.* 44 *d* and **מאה שערים** on *כתובות* § 25, in Alfasi ed. Wilna.

^d *sc.* of Alfasi.

Of the second part of the *Ittur* there is found in the same Collection a paper MS. of the 16th century, 47 leaves 4°, corresponding to *fol.* 20 *b*-34 *d* of the printed edition. The copyist notes on *fol.* 3 *b* that a leaf of the manuscript of which his was a transcript had been partially destroyed by mice; on the other hand, he did not realize that in that copy two leaves had been interchanged, *fol.* 38 *a*, l. 4 from below—38 *b* end and *fol.* 42 *a*, l. 9 from below—42 *b*, l. 6 from below, the context thus being interrupted in the passages in question. The MS. was acquired by Halberstam (cod. 482) from Cat. Rabbinowiz, IX, No. 67; some of the following variants and corrections were noted down by him in his copy of the Lemberg edition:

The number of gaonic quotations is very limited.¹¹ I have met with such only in (1) *It.*, 24 a: כהן: וב"מ משמיה דרב כהן: (1) *It.*, 24 a: כהן: וב"מ משמיה דרב כהן: צדק נאון מנהג דילן למיכל בנכיתא וביומי דר' שמעון קיירא הכי נהוג... According to Epstein¹², the quotation from the *Halakot*

	MS.	Edition
20 b	בספר אלקודון בברצילונא	אלקורין
21 b	בתשובה ישראל שנשתמד	שנעשה נכרי
21 a	ובישיבת מור רב כהן צדק	ובתשובת
22 a	והלכות פסוקות ורבוותא קמאי [כגון רב אחא] והלכות פסקי	והלכות פסוקות ורבוותא קמאי [כגון רב אחא] והלכות פסקי
ib.	ובתשובה לר' האיזי ז"ל.. רבנן קמאי [דמתיבתא]	ובתשובה לר' האיזי ז"ל.. רבנן קמאי [דמתיבתא]
ib.	רש"י	רבינו שלם
22 c	שבסורא בשתי ישיבות... [ולא] מסתברא	שבסורא
22 d	ר"ת במילה	בה' מילה
	ובברכות ירושלמי	ובהלכות
23 c	[ואמר הרב המחבר זצ"ל דאפקיה מהילכתא משום טעמא דשירמוט] ומשום דגרסינן בירושלמי תפילין וספרים	[ואמר הרב המחבר זצ"ל דאפקיה מהילכתא משום טעמא דשירמוט] ומשום דגרסינן בירושלמי תפילין וספרים
23 d	וחזי' לרבינו [האיזי] בהלכות תפילין	וחזי' לרבינו [האיזי] בהלכות תפילין
24 a	בשמושא רבה	דכתבו' שארכה
25 b	למד מדברי רבינו [האיזי] ז"ל	למד מדברי רבינו [האיזי] ז"ל
27 a	בכלהי גרסאות	בה"ג
	בהלכות [תפילין] עתיקא	
ib.	אבל רב עמרם אפי' לארבעה לחמשה שנים	למ' שנה
29 b	ובשאלה [לבריה] דרבינו נהשון	
32 a	ומר רב אוכמא	אבימי
ib.	וסברא דר"י ז"ל [ודעת ר' יעקב בתשובה שהשיב לפני א"מ]	
32 c	והרב הקדוש קרובנו	רבנו
33 a	הרב [יצחק] בן מרן הלוי	
34 c	ורב עמרם בתשובות וסדר המשנה	

Fol. 46 of the MS. contains, under the heading לרבינו חזי' לרבינו [האיזי] בהלכות תפילין, the matter incorporated in the *Ittur*, II, 20 ab, up to 20 b, l. 11. In the place of what follows we find here a beginning כלל קצר. The last leaf contains ר' הריאה שניקבת הלכות שחיטה של הרב ר' מאיר בר ברוך מרוטנבורק נ"ע.

These few examples chosen at random show, considering the important quotations, how urgent is the need of a new edition of the *Ittur* on the basis of manuscripts. Even the keenest ingenuity is insufficient for the purposes of emending this badly corrupt text.

¹¹ Passages like *It.* 55 b בשאלתא דמתיבתא and בתשובת דמתיבתא very likely have no reference to our book at all.

¹² *הגרן*, III, p. 6, No. 7. (reprint from *הגרן*, III, p. 6, No. 7.)

Gedolot is likewise derived from the *Sefer Metibot*: (2) *ib.* וכתב ב"מ משמיה דר' יעקב גאון ההוא דמישכן חצר או כרם ומנכה (ספר תרומות, in porta 46, part 3, fol. 226 b, ed. Ven.). A third quotation to which Rapoport long ago drew attention is much more important. We read fol. 16 c: וכן מצאתי לבעל מתיבתא (מתיבות) עתיקא למאי נפקא מינה להולך לאז כוכי שאם אמר לשליח הולך גט זה לאשתי רצה לבטלו [מבטלו] מכלל דאי אמר ליה זכי [גט] זה לאשתי אינו יכול לבטלו וזו היא הוראת רבינו ואבינו ראש ישיבה גאון יעקב שער ישיבה של ימין והורה תיקון שלא יהא הבעל יכול לבטל גט לאשתו. Fol. 34 c, this passage is once more referred to¹³: וכן מצאתי לבעל מתיבות הישן כו' כרכתבנא בשלישות גט. It is regrettable that the passage is very obscure and thus does not aid in clarifying our problem. It is uncertain whether an old MS. of the ס"מ or an entirely different work¹⁴ is meant; nor are we in a position to determine who the ראש ישיבה mentioned is, whether the author's father¹⁵ is meant or whether we are dealing with a quotation from a responsum. שער is also found in the Gaonic Responsa, ed. Harkavy, No. 551, p. 273. Rapoport makes the phrase refer to *Pumbaditha*, Harkavy to *Sura*.

In Nahmani's commentary¹⁶ on Abodah Zarah 21 b we read: אבל בעל מתיבות רב האיי ז"ל מצאתי; consequently Rapoport wanted to ascribe the work to R. Hai. Against this supposition, Bodek in הרואה, II, 143, has pointed to the reading found in R. Nissim's

¹³ Rapoport failed to notice that ב"מ הישן and ב"מ עתיקא are identical.

¹⁴ It is certain that the author did not find it in the MS. of the ס"מ employed by him elsewhere. Meklenburg's supposition that ב"מ עתיקא denotes the supreme head of the academy cannot be accepted.

¹⁵ Perhaps ואדונינו should be emended to read רבינו. The expression רבינו ואבינו is peculiar; it is nevertheless found also in the MS.

¹⁶ In מעשי צדיקים, Leghorn 1779, fol. 6 a.

commentary on Alfasi, שבת XVI towards the end, and Meklenburg to the parallel passage on ע"ן I towards the end; Harkavy has added another reference to Aaron ha-Kohen's ארחות חיים I, 54, § 307. In all three passages the quotation reads: הרב בעל מתיבות ז"ל כתב... ובשם רבינו האי (כתבו or). It is inconceivable how Harkavy in spite of all this can propose to amend Nahmani ב"מ [ל]בעל מתיבות [שהביא] ר' האי ז"ל is also mentioned *It.*, 14 c by the side of a joint responsum by R. Sherira and R. Hai, 15 c by the side of R. Hai; in contrast to the latter Gaon it occurs in Nahmani on Gittin 63 b.

Another equally corrupt passage in Nahmani on Gittin¹⁷ 66 b, which Zunz¹⁸ was the first to point out, has led to the attribution of the ס"מ to R. Samuel b. Hofni. The phrase וכן סדרן רב שמואל [בן] הפני בם' המתיבות¹⁹, however, is probably to be emended *לס' המתיבות*. Harkavy²⁰ proposes the reading בשם ס' המ', with an appeal to Nahmani on נטין 63 b; the passage, however, was known to him only from the quotation in יד מלאכי which has suffered corruption through misconception. We read there as a matter of fact that, in the case of a conflict between Rab and R. Hanina, R. Hai Gaon²¹, like Alfasi and R. Hananel, decided in favor of R. Hanina: ורב שמואל בן הפני גאון ז"ל הכי: כתב שלא תקבלנו שלוחה מיד שליח הבעל כרב ובעל מתיבות הכי ²²ס"ל וקאמר דכל רב ור' חנינא הלכה כרב. The whole passage

¹⁷ In *חמש שיטות*, Sulzbach 1762, fol. 74 b below.

¹⁸ *Ges. Schriften*, III, 133; comp. Perles, *l. c.*

¹⁹ In the same manner, we should read with Harkavy, n. 71, in Nahmani on ב"ב 11 a: בעלי התוספות [המתיב].

²⁰ Note 71; comp. note 22.

²¹ Thus R. Hai is here at variance with the ס"מ; comp. Ginzberg, 181, n. 1.

²² The passage is also found *It.* 17 a, where the words of R. Samuel are given more fully.

is regarded by R. Malachi Kohen as a quotation from R. Samuel b. Hofni, who thus would be quoting the ס"מ; but Azulai has noted²³ that Nahmani himself quoted here the ס"מ, and not R. S. b. Hofni. It appears to me hazardous to conclude on the basis of this single passage that the ס"מ contained methodological rules²⁴. Such general remarks occur occasionally in all codes; the present remark recurs *verbatim* also in the ספר הפיץ²⁵, which is of a similar character. Lastly I would point out that *It.*, 38 *b*, the opinion of R. Samuel b. Hofni is contrasted with that of ס"מ. On the basis of the quotations extant it will therefore not do to prove the existence of relations between ס"מ and R. Hai or R. Samuel b. Hofni; nor by such argumentation to fix the date of the author casually²⁶ designated by Nahmani as a *Gaon*.

Equally doubtful is the use made by Alfasi of the ס"מ, as שמא מצא הרב ז"ל on Yebamot 109 *b* assumes (לבעל מתיבות), especially as Alfasi is frequently at variance with the ס"מ, comp. *It.*, 17 *a*, 31 *a*, 42 *b*, 45 *d*. Of course, occasionally the two agree, as e. g., *It.*, 21 *b*, where the opinion of both is rejected (ולא בריר לן). Frequently, the ס"מ is cited by the side of R. Hananel, now the one, now the other being named first, so that, despite Rapoport's attempts to the

²³ In עין זוכר, Leghorn 1793, fol. 40 c (ח § 31; quoted by Harkavy, n. 73), Azulai retracts this statement, having found in אב"ל *ad locum*: רשב"א על הלכות פסק כרב וכן ר' שמואל בן טפני [חופני r.]. פסק כרב וקאמר כל רב ור' חנינא הלכה כרב מתיבות. It is probable that we should read הלכות in the place of מתיבות and that the whole is corrupted from Nahmani cited in the immediately preceding passage. No importance is to be attached to this in view of the combined testimony of the *It.* and Nahmani. Harkavy should therefore not have ascribed the sentence: כל רב ור' חנינא... on p. 2 to R. S. b. H.

²⁴ Harkavy, *l. c.*

²⁵ סמ"ג, Prohibition III, fol. 36 *d*, ed. Ven., 1547.

²⁶ ס' הוכות, § 52, on גטין IV, ed. Leghorn, 1745, fol. 45 d-46 *a*.

contrary, nothing can be concluded from the order in which the names appear; comp. *It.*, 1 *b*, 7 *a*, 12 *c*, 16 *b*, 24 *c*, 43 *b*, 45 *d*. In the last reference but one, where both agree, the decision is rejected exactly as 33 *a*.

Though all positive criteria for a determination of the date of our author prove futile, I take it that we shall not go amiss in placing the date of the composition of the מ"ד towards the end of the gaonic period, hence about the year 1000. A later date is, to mention nothing else, precluded by the title. The apparently extensive use made of the Palestinian Talmud²⁷ renders it improbable that the author wrote his work in Babylonia, though it must be granted that at that period and even in that country the Palestinian Talmud did not remain wholly unnoticed.²⁸ It must also be remembered that the works of the gaonic Academies had become known in wide circles, which was not the case with the מ"ס. This latter consideration likewise militates against Kairwan as the place where the book was written; for the literary productions of the latter place were widely disseminated, and yet the very authors that maintained the closest relations with Kairwan and were most intimately acquainted with the writings that originated there, know nothing of our book. Moreover, almost all the quotations, with the exception of those in Nahmani and Isaac b. Abba Mare, are derived from secondary sources²⁹. Thus the three citations in Eṣtōri ha-Parhi's כפתור ופרח³⁰ are derived from the *Ittur*, viz. p. 161

²⁷ Ginzberg, *l. c.*, 181, was the first to notice it.

²⁸ Comp. the studies of Poznański mentioned above, 27-32, and my *Additamenta in ZfhB.*, XIII, 70-71.

²⁹ Concerning the מ' האשכול comp. Ginzberg, *l. c.*, 180, n. 4.

³⁰ Jerusalem 1897-99.

= *It.*, 16 *b*; p. 169³¹=*It.*, 58 *b*; p. 322=*It.*, 11*d*. Of the two citations in the *התרומות* 'ס³² one (VI, 1; *fol.* 40 *d*) goes back to Nahmani's *הזכות* 'ס³³, and the other, as previously noted³⁴, to the *Ittur*. The one citation³⁵ which we find in Aaron ha-Kohen's *ארחות חיים*³⁵ and in R. Nissim b. Reuben, is also found in Nahmani, from whom the sole citation in R. Solomon b. Adret, we may assume, was likewise derived, so long as no further citations are forthcoming in this as well as in the other authors named. There remain then only the excerpts in the *Pardes*.

I deem it as most probable that we possess in the ס"מ a Palestinian code, the only one of its kind, except the Sheeltot. As Ginzberg³⁷ has shown, the Babylonian Talmud was in those days regarded as authoritative even in Palestine. With the Palestinian authorship, on the other hand, the use made of the Palestinian Talmud and the slight popularity of the book go well. Of the authors acquainted with the ס"מ, Nahmani lived at a later period of his life in Palestine; the *Pardes*³⁸ betrays on other

³¹ Not in the Index, p. 796.—Harkavy is of the opinion that the quotation from 'מ was derived from the *השובות* cited there. It may be noted in passing that in the *Ittur*, *מבירת קרקעות*, R. Moses b. Hanok is named; very likely it represents an independent quotation of the *Ittur*.

³² *גידולי תרומה*, Venice.

³³ See above note 26.

³⁴ See above p. 90.

³⁵ See above p. 91.

³⁶ Is wanting in Schlesinger's Index, *ארחות חיים*, II 652.

³⁷ *l. c.*, 4, n.

³⁸ Comp. Epstein, *MGWJ.*, XLVII (1903), 344 (the responsum treated of there was known also to ר"ה IV and *מחלבות אמרל* *ליקוט*, *fol.* 22 *c*; comp. also *Ma'aseh ha-Geonim*, 1910, p. 37) and *הגרון*, VI, 69-73; and on the other hand Aptowitz, *REJ.*, LVII, 249-51.

In this connection we may likewise point to the Palestinian responsa in the compilation *שערי צדק*, *fol.* 15 *a*, 30 *a*, 69 *b*, 83 *a* and 92 *b*. Comp. also Kobak's *ישורון*, VI, 124 ff.; *Geonica*, II, 50 ff.; *MGWJ.*, XX (1871), p. 124, n. 2.

occasions its familiarity with Palestinian sources; the same may perhaps be said of the *Ittur*, and it remains to be investigated whether expressions in this work, not met with elsewhere, as תשובות ראשי הישיבות, I, 33 a, 52 d, and לראש ישיבה³⁹ 15 d, may not perhaps point to Palestine.

Once we are convinced that the *Sefer Metibot* really originated there, we may advance a step further and identify the work with the *Compendium of the Palestinian and Babylonian Talmud* which the Karaite Jeshua b. Judah made use of in Jerusalem about 1050. Jeshua states⁴⁰: ראייתי למקצת חכמי הרבנים מי קיצר שני התלמודים של ארץ ישראל ושל שנער. This would be a very good description of the *Sefer Metibot* which on the whole consisted of extracts from the two Talmuds. Jeshua may have taken the title "Book of the Academies", which is general enough, as an appellative; he designated the work according to its contents. At all events it appears to me as certain that the ס' מתיבות was an abstract of the Talmud⁴¹ after the manner of the *Halakot Gedolot*. I subsequently found partial substantiation of this supposition in the statement in Margoliouth's Cat. British Museum, II, 128, that in 1462 an

³⁹ Comp. לערוש מתיבתא *It.*, 6 b, 42 c, 45 c, 54 d; *Responsa* שערן צדק, אמ' ראש מתיבתא 21, *Geonica*, II, 239, l. 21; מושם ריש מתיבתא 23, fol. 26 b, No. 23; *Halakot gedolot*, ed. Hildesheimer, p. 483 ישיבה; Alfasi, Rosh ha-shanah IV מתיבתא ריש מקמי ריש; שאלו מקמי ריש; Pardes, ed. Const., f. 44 b, ed. Warsaw, § 178 ישיבות ראשי; 61 d, § 25, this expression refers to the Babylonian Geonim; in *Responsa*, ed. Lyck, No. 45³⁵, p. 19, אמר ריש מנהג דמשק refers to Jehudai Gaon.—*It.* II, 2 d, mention is made of וסביבותיה; but the knowledge of the latter the author probably owed to the Joseph Ibn Plat adduced *ib.*, 18 c, who for a time had been a member of the Damascene Academy before he returned to Southern France. Comp. Epstein, *MGWJ.*, XLIV (1900), 289 ff.

⁴⁰ ס' העריות, ed. Markon, St. Petersburg 1909, 149. 150; comp. my review *OLZ.*, XII, 414.

⁴¹ Hence it is that Isaac b. Abba Mare speaks in נזיקין on מאה שערים No. 51, of the מתיבות דבעל נוסחא.

unbound copy of the part נשים of the so-called *Sefer Metibot*⁴² was sold in Corfu.

Peculiar as is the name of the book, it oscillates between *מתיבות* and *מ' מתיבתא*; both appellations appear to be used quite indiscriminately, and it is impossible to follow Meklenburg's proposal to effect a distinction according to the Hebrew or the Aramaic form of the name. Thus the *Ittur* has *מתיבות* where the *Ittur* reads *מתיבתא*; the above mentioned MSS. belonging to the New York Seminary differ in this respect more than a dozen times from the edition, and the *Pardes*⁴³ introduces its excerpts by the formulae ... *מתיבתא* ... ותו כתב במתיבות ... ותו כתב. It is difficult to say how the work received its title. Was the author perhaps a Babylonian by birth and did he desire to point to the source of his knowledge through the title of his work? Ginzberg⁴⁴ holds that the gaonic opinions in the work were introduced by some such formula as *ושדרו ממתיבתא*; this expression, however, is to be met with nowhere in the known citations; nor is it permissible to derive the gaonic responsa thus introduced from our work, for, e. g., *Itt.*, 38 b, an opinion thus introduced is found in contrast to that of the *מ' מתיבות*.

In closing, I may be permitted to put together such quotations found in Nahmani, *Ittur*⁴⁵, etc., as I am familiar with. I am quite certain that in a cursory examination of

⁴² ספר הנקרא מתיבות נשים בלי טבלאות.

⁴³ Ed. Constantinople, 1802, fol. 21 c-d, ed. Warsaw, § 297; it is wanting in the Index in Buber's Introduction to *Ha-Orah*, 118.—The circumstance that our book has been ignored in a number of Indices is sufficiently explained by its peculiar title. Hence it is extremely probable that quotations may be extant in a number of authors which have hitherto escaped the attention of scholars.

⁴⁴ l. c., 180.

⁴⁵ Indirect citations have not been included.

the closely printed book some have escaped my attention; nevertheless I believe that the material collected will suffice to substantiate my theory concerning the character of the book. I have read the second part up to the middle only, and, presumably because the *Sefer Metibot* contained only **ריני נשים ונוזקין**, found nothing there beyond two citations with reference to **ברכת חתנים** fol. 27 b⁴⁶. It is, however, unnecessary to copy the quotations, which for the most part are well-known Talmudic passages. Perhaps an investigation of the Talmudic text employed by the author might go a long way towards definitely establishing the origin of the book; but for an investigation of this sort we lack both material and preliminary investigations. The readings of the ס"מ frequently differ from those of R. Hananel and Alfasi, and on 7 d⁴⁷ the learned commentator, R. Meir Jonah⁴⁸, remarks that the passage is wanting in our edition of the Talmud. The passage, which I give in note 47, belongs to Gittin 22 a above; the most ancient commentators, however, did not find it there.

The ספר מתיבות is quoted by:

R. Isaac b. Abba Mare in עמור I, 1 a, 7 c, 7 d, 8 a, 11 a⁴⁹, 11 b, 12 c, 12 d, 13 a, 13 d, 14 c (bis), 15 c, 15 d (bis),

⁴⁶ The passage reads in the MS. referred to: **ובעל מתיבתא אמר ואמר** **לנו את ארוסתינו והתיר לנו נשואותינו ע"י חופה וקידושין בא"י מקדש ישראל: ס"א ואמר לנו כל הקרובות והרחוקות הארוסות והנשואות והתיר לנו את הפנויות ע"י חופה בקידושין בא"י מקדש ישראל: ומנהגא למוחתם ע"י חופה וקידושין ומסתברא כבעל מתיבתא דאמר ע"י חופה בקידושין**

ובעל מתיבתא כתב איבעי להו עציץ שאינו נקוב מאי ת"ש עציץ **נקוב מקדש בכרם שאינו נקוב אינו מקדש. ר"ש אומר זה וזה אסורין ואינן מקדשין**

⁴⁷ I, Warsaw 1883, fol. 26 b, n. ל"א.

⁴⁸ The MS. reads here: **לבעל מתיבות בית דין אלימי למועבר שודא** **דדיוני** (in the place of **בית הגדול**).

16 *b*, 16 *c*, 17 *a*, 21 *a*, 21 *b* (*bis*), 21 *d*, 22 *a*, 24 *a*, 24 *c*, 24 *d*, 27 *b*, 29 *c*, 31 *b*, 32 *b*, 33 *a*, 33 *c*, 34 *c*, 37 *c*, 38 *b*, 39 *b*, 42 *b* (*bis*), 43 *b*, 43 *d*, 44 *b*, 45 *b*, 45 *d* (*bis*), 51 *a*, 51 *c*, 51 *d*, 52 *b*, 55 *d*, 57 *a*, 58 *b*, 63 *c*, 64 *a*; II, 27 *b* (*bis*);

Id. in מאה שערים on Alfasi, ed. Wilna, נשים, No. 3, 19, 35⁵⁰; נזיקין, No. 2, 21, 33, 37⁵¹, 51;

Nahmani in the חידושים on גטין 63 *b*, 66 *b*; קידושין 59 *a*; בבא בתרא 11 *a*; and עבודה זרה 21 *b*;

Id. in ספר הזכות on גטין IV towards the end (§ 52);

Pardes, ed. Constantinople, fol. 21 *c-d* (three times);

R. Solomon b. Adret in the חידושים on יבמות 109 *b*.

P. S.—Since sending this paper to the press I have received several communications solving some of the difficulties I have touched upon above. Prof. Büchler (Nov. 2, 1909) was kind enough to look up the reading of Nahmani on Gittin 66 *b* (above, note 17) in codex Halberstam 55, f. 101 *b*, and found there: וכן סדרן רבן שמואל גאון [בן] חפני; המביא or possibly המבוא; the quotation therefore belongs to Ibn Hofni's Introduction to the Talmud.

In Nahmani on Baba Batra 11 *a* (see note 19) cod. Hebr. 75 in Munich reads simply: (כתבו) כתבו; בעל המחיבות; the word התוספות is missing altogether, as Dr. Ehrentreu was good enough to inform me (Oct. 25, 1909). The word is evidently a dittograph.

As to the אשכול (see note 29), Mr. Albek, who is preparing a new edition of it, kindly sent me (Nov. 2, 1909) the following quotations, which oc-

⁵⁰ = *It.* 16*b*. Many more passages may occur in the *Ittur*, just as many passages in the *Ittur* are repeated in that very book and recur also in Nahmani. I have paid no attention to repetitions in the list given above.

⁵¹ In Baba batra the notes peculiarly enough are not numbered; they amount to 12. In Baba mesia the last note is numbered as 28, in Sanhedrin the first as 45. Four notes appear to be wanting in the edition.

cur in הלכות צדקה (Cod. Carmoly, f. 205 b), and should be added to the above: ודקדק בעל מתיבות בהא דתני רב שמואל בר יהודה אין פוסקין צדקה על היתומים אפלו לפדיון שבויים מכלל דעל אחריני פוסקין על כרחייהו כל חד וחד לפום מאן דחוי ליה. ותו פסק ורשאין בני העיר להתנות כל מה שיראה אצל מלכות יהא נותן כך וכך וכל מקח שבא בעיר נהיה כולנו שותפין בו

IV. FRAGMENTS OF HAI GAON'S WRITINGS

1. Of the three fragments which are published here, the first is of considerable importance, as it gives us information concerning a work by Hai not otherwise known. It belongs to the Codex Steinschneider 29, which for the most part contains liturgical fragments. The conclusion of the letter which we are about to discuss is found on leaves 19-20; originally, however, it formed the beginning of the fragment, the nine following leaves containing a letter from Fostat to Sana'a of the year 1062 which I propose to publish at some future date in the continuation of the present *Studies*. I shall then also describe the MS. more minutely; for the present comp. the short notice by Steinschneider, *ZfhB.*, VI, 158; he did not then recollect that he possessed the MS. himself in the codex designated by him as פיוטים. In *ZfhB.*, XIII, 72, I have published an extract in connection with a review of Poznański's *Studien zur gaonäischen Epoche I*. I give here the whole fragment, since it is comparatively short.

It was the letter accompanying a number of responsa in reply to inquiries by R. Jacob b. Nissim, who is designated as החבר, not yet as אלוף. Apparently the writers were Sherira and Hai together, for in the course of it, it is strongly emphasized that Hai alone was the author of a *Methodology of the Talmud* written for R. Jacob which would soon follow. To the inquiries of R. Jacob we owe, as is well known,

the famous Epistle of Sherira as well as a few supplementary responsa. We learn here that he likewise prompted the composition of an Introduction to the Talmud which was written in Arabic and calculated to serve as a guide even for beginners.

Less clear is the beginning of the letter, where mention is made of the fact that something had been sent along with a letter of R. Jacob to R. Jacob אֶלְיָהוּ b. Joseph, who is greatly eulogized by the writers, but who is otherwise quite unknown. The latter was one of the foreign scholars that visited the Academies in the closing period of the Gaonate, returned to his native country and there evinced great zeal on behalf of the Academy. The writers seem to have selected him for some purpose, since he was acquainted with the condition of the academy and had prompted certain institutions (תַּקְנוֹת). He may perhaps have been appointed representative of the academy¹ to whom contributions for the academy were to be sent and to whom likewise inquiries were to be addressed which he was to send on. If this be the case, the beginning of the fragment must have contained an exhortation that money as well as R. Jacob's answer should be sent by his agency. This part of the letter accordingly concludes with the words כֵּן עָשׂוּ וְלֹא תַעֲדָרוּ.

According to a letter of R. Samuel b. Hofni² sent to Kairwan, a similar position seems to have been held in Egypt by a certain Joseph b. Jacob אֶלְיָהוּ, who, according to a plausible conjecture by Poznański³, was a son of the

¹ Comp. Ginzberg, *Geonica*, I, 2, n.

² Ed. G. Margoliouth, *JQR.*, XIV, 308 f., comp. 621; Poznański, *Schechter's Saadyana*, 5, n.

³ *Studien*, I, 57, where a reference to Cat. Oxford II 2877⁵, 9, 18; 2875⁸¹ ought to be added to note 4. A considerable period seems to have elapsed between the two letters; in the first Hai is אֶבְרָהָם, the second was written after the death of Sherira.

Jacob above mentioned. While the father took care of the interests of the then sole academy at Pumbaditha, the son (during his father's life-time) seems to have represented both. It is quite possible that the beginning of our letter may be extant in the Firkowitz collection of MSS. at St. Petersburg.

שְׁלוּחָה עִם אֲנֶרֶת מִרַּב יַעֲקֹב הַחֶבֶר נֶרְ אֶל אֲצִילָנוּ נִכְבְּרִינוּ
 יִדְרִינוּ אִישׁ בְּרִיתָנוּ מִרִּי וּרְבִנָא יַעֲקֹב אֱלֹף יִנְצְרָהּ מִשְׁנֵבִינוּ וַיִּגְוֹנְהוּ
 בֶּן מִרִּי וּרְבִנָא יוֹסֵף עֹבֵל זֶכֶּל לֵב כִּי יֵשׁ לוֹ חֲמֵלָה עַל אִשֶּׁר לִישִׁיבָה לְפִי
 חֲכָמָתוֹ וְתִבְוֹנָתוֹ וִירָאָתוֹ מִן הַשָּׁמַיִם וְלֹא בַחֲרָנוּ בּוֹ אֵילָא כִּי רָאָה כְּבוֹד
 הַתּוֹרָה וַיֵּשֶׁב בְּצֵלָה וַיֵּדַע אֶת חֲכָמֵי הָדוֹר הַהוּא וְאִמָּנָם בְּצֵאתוֹ מִבְּבֶל
 נִעְצְבָנוּ אֲנִי וְהַחֲכָמִים קְרוֹבָנוּ כִּי כֹאחֵד מֵהֶם הָיָה בְּתוֹכָהּ וְאֱלֹהִים שְׁלָחוּ
 לְפָנֵיהֶם לְשׁוֹם לָהֶם שְׁאֵרִית בָּאָרֶץ וְלִהְיוֹת לָהֶם לְפִלִּיטָה גְדוֹלָה כִּי
 בַּהֲעִיר יוֹי אֶת רוּחוֹ הָיוּ הַתְּקֻנּוֹת הָאֵלֶּה וְחִסְדֵּינוּ עֲלֵינוּ וְעַל הַחֲכָמִים
 רַבִּים מִלְּסֻפּוֹר הַמָּקוֹם יִשְׁלָם לוֹ וְלָכֶם כֵּן עָשׂוּ וְלֹא תַעֲדְרוּ . וְהִנֵּה
 כְּתַבְנוּ תְּשׁוּבוֹת הַשְּׁאֵלוֹת הַנִּפְלְאוֹת וְהַמְּיוֹקְרוֹת אֲשֶׁר כָּתַב מִרַּב יַעֲקֹב
 הַחֶבֶר נֶרְ רַח וְחוּץ מֵהֵן הִנֵּה (I b) חֲבָרְנוּ אֲנַחְנוּ הָאִי אֵב בֵּית דִּין
 כָּתַב בְּלִשׁוֹן יִשְׁמַעְאֵלִים חֲלוּק לִכְמָה שְׁעָרִים בִּישׁוּר דְּרָכֵי הַתְּלָמוֹד
 וּבַהֲלֻכּוֹתָיו וְהַלִּיכּוֹתָיו אֲשֶׁר הוּא מוֹרֶה דֶּרֶךְ וְאִפִּילוּ לְמִנְשֵׁשׁ בְּרַחֲמֵי
 אֱלֹהִים וַיֵּשְׁבוּ כְּמָה דְּמִיּוֹנוֹת מְכַל שְׁעָרֵי סוּגִיא דְּשִׁמְעֵתָא מִשְׁרֵי קְטָרִין
 וּפּוֹצֵה אַחֲרֵינוּ וְהִנֵּה אֲנַחְנוּ שׁוֹלְחִים אוֹתוֹ לְהַחֲבֵר נֶרְ אַחֲרֵי זֹאת כִּי
 בִּשְׁמוֹ חֲבָרְנוֹהוּ וְלוֹ עֲשִׂינוּהוּ וְנוֹתֵר בּוֹ כְּמַעַט וְהוּא יוֹצֵא אֵלָיו וְאֵף עַל פִּי
 כֵּן כִּי אֲדִיר גְּדוֹל הוּא וְרַב מוֹבָהֵק אֵלָא שָׁגַם זֹאת לְשִׁרְתָּהּ וַיּוֹי יִפִּיק
 זְמַמְכֶּם עַל דְּבַר אִמָּת וְעַם הַצֶּדֶק יִמְלֵא מִשְׁאֲלוֹתֵיכֶם וּשְׁלוֹמְכֶם יִרְבֶּה
 לְעַד . יֵשַׁע רַב.

2. R. Hai's poem for circumcisions is derived from *fol. 2 b* of the Genizah fragment of the T-S Loan⁴, where it follows an Arabic letter by Ephraim b. Azariah (יִדְרִיע בֶּן) and Ezekiel ha-Kohen (עֲצֵלָא) b. Ali ha-

⁴ I owe a debt of gratitude to Prof. Schechter for his kindness in permitting the publication of this fragment.

Kohen; Dr. Israel Friedländer intends to prepare the latter for publication.

3. R. Hai's poem addressed to an otherwise totally unknown Hazzan Abraham b. Isaac b. מלקטה is derived from a MS. in the possession of Mr. Elkan N. Adler of which I use a transcript made by Mr. I. Last. The acrostic of the poem does not yield the name of the author, but that of the gentleman to whom it was addressed, concerning whom the now missing conclusion of the poem may have contained further information. The MS. contains in addition a poem with the acrostic **שמע קולי וענה ענה ענה : שמואל**, as well as a third with the undistinguished acrostic **שיחי שאי סוד סיח** beginning with **שהלאן לוף חוק**; **סליחה סברי**; a verse is probably missing, and the author **שהלאן אלוף** is identical with the **סהלאן ראם אלכל** noted in Steinschneider's *Introduction to the Arabic Literature of the Jews*⁵ from another fragment in the possession of Mr. Adler, and in *JQR.*, XIX, 738, by the late Mr. Ernest Worman⁶.

The significance of those two poems, irrespective of the fact that we learn a new name belonging to the gaonic period, consists primarily in the circumstance that, with the exception of the poem on Ibn 'Ata of Kairwan published by Magid in **הצפירה** and the poem published in *Geonica* II,

⁵ *JQR.*, XI, 315, No. 449.

⁶ Poznański, *Studien*, I, 49; comp. *ib.* 50. The Bodleian Library has several liturgical compositions by this poet; see Cat. II, Index, s. v. Sahlān. 2738¹¹ acrostic **שהלאן בר אברהם אלוף והחבר** and **שהלאן ראש כל** occur. In 2875^{13b} probably **ראש כלה** is to be supplied after **סהלאן**. Poznański (letter of Nov. 24, 1909) thinks it possible, that **סהלאן ראש כלה בן ברהון החבר** in 2876² is also identical with the above and that **ברהון** = **ברהם** = **אברהם**, cf. Schechter's *Saadyana*, 8.

these two are the only authentic specimens of Hai's poetry which we possess. Everything else that has been ascribed to him in this province is spurious. In spite of our meager knowledge, it may be conjectured that Hai was rather productive even as a poet; and when the liturgical pieces of the Genizah come to be examined, we shall undoubtedly recover many another piece from the pen of the last Gaon.

In cod. Oxford 2852⁵ is found the last line of his סליחות with the subscription ננזו סליחות רבינו האיי גאון נטר אללה ז'ונה. In Cod. 2742^{19p} a piece⁸ is ascribed to רבינו האי which, according to Zunz, *Literaturgeschichte*, 186, and *Synagogale Poesie*, 41, actually belongs to Joseph ibn Abitur, despite the fact that the concluding lines of the acrostic yield האיי. The same acrostic is contained in Cod. Oxf. 2742^{18r} and 2737^{E4} beginning with אכן סר מר המות. The same acrostic is contained in Cod. Oxf. 2742^{18r} and 2737^{E4} beginning with אכן סר מר המות, and in the latter MS. two סליחות the beginning of which is missing (E 5 and 6 are both alphabetic).

Texts 2 and 3 read as follows:

TEXT 2

ה' מלכינו למילה ושבח
מן קול ר' האיי גאון זק"ל
ל
פי ה' דבר · חיל עמו לגבר:
חוק להם שיבר בריתו
להודיעם:
ציצית שם בלתי · ומוזוה בפתח ·
וטטפות בתותח בראשם

⁷ Catalogue, II, col. 327.—It is noteworthy that סליחות by Joseph Ibn Abitur follow here upon those of Hai, just as the responsa of both men have come down to us quite frequently in the same compilations.

⁸ את מוי זנחת, printed in אשמורות Avignon, fol. 33 b; Zunz, *Synagogale Poesie*, l. c.

ובזרועם :

להעמותם עדיים * * * מקום עורות

גדיים וחישורים גלויים *

וזהב לא יועם :

ברית מילה כחותם * בשרם

TEXT 3

אחר לאדוננו האוי

נאון ז"ל על שם ר'

אברהם בן יצחק

בן מלקטה החזן

אָמָה אִשֶּׁר שׁוֹלְחָהּ בְּמוֹ בֶּשֶׁת

בְּזוֹכָה כְּמוֹ רַחֲמָה כְּמִטְחֵי קֶשֶׁת

ר'... גְּבִירָה מְנוּדֶּדֶת וְנוֹטָ[שֶׁת]

הָיוּ נִמְאָסָה נִחְשָׁבָה שִׁפְחָה מְגוּרֶשֶׁת

כְּמִפָּה וּמִפָּה

בְּתִי אֲדוּמָה וּשְׁפָחָה לֹא מִחִפְשֵׁת

נִתְיַצְבוּ נִתְחַבְּרוּ עַל מִצְבֵּי רֶשֶׁת

יִחַדְיוּ יִכְלּוּ כְּמוֹ בִּימֵי יְרוּבֶשֶׁת

צ' רְאוּהָ לִשְׁבֹּא וּלְפַלֵּשֶׁת

חָמָה כְּמוֹ יַעֲמֹ לְמֶלֶךְ לְתִלְכוּשֶׁת

קוֹי

בְּרִית

(To be continued)